

## **REMARKS/ARGUMENTS**

### **In the Specification**

No changes have been made to the specification. No new matter has been added.

### **In the Claims**

1. Claims 33-56 are pending in this application. Claims 33, 42, 45 and 54 have been amended to correct language, syntax, avoid the citation of the prior art, and/or point out the specific features of Applicant's invention with greater clarity. Claims 34-41 and 46-53 have been cancelled. Claims 43, 44, 55 and 56 remain unchanged as previously amended. No new claims have been added. No new matter has been added.

### ***Regarding the Claim Rejections under 35 U.S.C. 103(a)***

2. Applicant acknowledges the quotation of 35 USC. 103(a) which forms the basis for all obviousness rejections set forth in the Office action. In response, Applicant has amended claims 33, 42, 45 and 54 to point out the specific features of Applicant's invention with greater clarity and to avoid the prior art references cited by the Examiner. Claims 42-44 depend from claim presently amended 33 and claims 54-56 depend from presently amended claim 45.

3. Claims 33-39 and 41-44 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (6,283,761), hereinafter Joao, in view of Campbell (6,047,259), hereinafter Campbell. Applicant respectfully disagrees with the obviousness rejection in light of the amendments to claims 33, 42, 45 and 54, and the arguments presented below. Applicant now believes that claims 33, 42-45 and 54-56 are in condition for allowance.

Applicant firmly believes that the limitations presented in presently amended claims 33 and 45 are not obvious when the cited references, Joao and Campbell are combined. Neither reference, whether taken alone, or in combination, discloses or suggests the many databases assembled by the present invention, and neither reference suggests the interactions between those

many databases to generate the result that an editable medical chart note is created. Moreover, neither reference, whether taken alone, or in combination, teach or disclose the extensive communications present in the instant invention and the resulting reports and further communications between doctor and patient which are made possible by the many databases and the system which ties them all together.

While Joao is a very large and seemingly all encompassing reference, it does not even remotely suggest that the patient be involved in inputting data before and receiving data after a doctor's office visit. Joao is primarily concerned with use by the health care provider and more emphasis is on interaction between care providers and the insurance companies. Again, this system is clearly intended for use by a well trained health care provider or knowledgeable insurance administrator, not a lay person.

Furthermore, the Examiner's reliance on Campbell is misplaced. The user in Campbell is a health care provider, not a patient. Campbell would not allow a patient to touch the system, as it is tailor made for use by a well trained health care provider, like a doctor or a nurse.

Segal too, is a system meant to be used by a health care provider. In Segal, the entire system is set up to aid a clinician in making a diagnosis. Again, it is not obvious for a patient to be involved here, especially in inputting data into the system for the purpose of generating an editable chart note, leading to a complete and final chart note for a physician's use.

What is unique and not obvious about the present invention is the way the system is used both by the lay person patient and the expertly trained health care provider in resulting in the generation of an editable chart note, quickly and efficiently.

4. Claims 40 and 52 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (6,283,761), hereinafter Joao, in view of Campbell (6,047,259), hereinafter Campbell, and further in view of Segal (6,754,655; hereinafter Segal). In response, Applicant has canceled claims 40 and 52.

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### CONCLUSION

All of the objections and rejections raised by the Examiner have been addressed by Applicant. Attorney for Applicant has carefully reviewed each one of the cited references, namely the Joao, Campbell and Segal patents, and believes that the presently amended claims presently on file in the subject application are patentably distinguishable with respect to the prior art, either taken alone or in combination with one another. In view of the amendments to the claims, and the remarks submitted herein, Applicant submits that all of the claims of record are in condition for allowance and respectfully requests that a Notice of Allowance be issued in this case in due course.

If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this application to allowance, the Examiner is invited to contact the undersigned, attorney of record in this case, Richard D. Clarke, Esq., at one of the listed below numbers or at his below listed e-mail address.

Dated: August 6, 2007

Respectfully Submitted,

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By 

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